

1 Mark E. Ellis - 127159
Andrew M. Steinheimer - 200524
2 ELLIS, LaVOIE, POIRIER,
STEINHEIMER & McGEE LLP
3 555 University Avenue, Suite 200 East
Sacramento, CA 95825
4 Tel: (916) 283-8820
Fax: (916) 283-8821
5 mellis@ellislawgrp.com
asteinheimer@ellislawgrp.com

6 Attorneys for Defendants LCS FINANCIAL SERVICES CORPORATION

7 William E. Kennedy - 158214
8 Law Offices of William E. Kennedy
2797 Park Avenue
9 Suite 201
10 Santa Clara, CA 95050
Tel: (408) 241-1000
11 Fax: (408) 241-1500
willkennedy@pacbell.net

12 Attorneys for Plaintiff MERCEDES HERRERA

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION
17

18 MERCEDES HERRERA,

19 Plaintiff,

20 v.

21 LCS FINANCIAL SERVICES CORPORATION
22 and OCWEN LOAN SERVICING, LLC,

23 Defendants.
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27
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Case No.: C09-02843 TEH

**~~PROPOSED~~ ORDER GRANTING
MOTION FOR CLASS CERTIFICATION
AND PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

DATE: June 20, 2011

TIME: 10:00 a.m.

JUDGE: Hon. Thelton E. Henderson

1 This case comes before the Court on the Joint Motion of Plaintiff Mercedes Herrera, on behalf
 2 of herself and the class she proposes to represent, and Defendant LCS Financial Corporation (hereafter,
 3 "Defendant") for an order certifying a settlement class and preliminary approval of the Class Action
 4 Settlement Agreement between plaintiff and LCS Financial.

5 Having considered the matter, the joint motion, the proposed class settlement agreement and
 6 the declarations of counsel for the proposed class and good cause appearing therefore,

7 IT IS HEREBY ORDERED THAT:

8 1. Pursuant to Rule 23, this case is certified as a Rule 23(b)(3) class action against
 9 Defendant LCS Financial Corporation. The class is defined as follows:

10 (1) All individuals who took out one or more loans which were subject to
 11 California Code of Civil Procedure § 580b; (2) The real property which
 12 secured the loan was sold in foreclosure; and (3) Defendant LCS sought
 13 to collect amounts on the loan due after the foreclosure sale of the
 property at any time after June 24, 2008 to the present.

14 2. Mercedes Herrera is appointed as the class representative. William Kennedy,
 15 Christopher Brancart and Noah Zinner are appointed class counsel. First Class, Inc., 626 South Clark
 16 Street, Floor 7, Chicago, IL 60605-1711 is appointed Class Administrator.

17 3. The Class Action Settlement Agreement (Attachment 1 to the joint motion) is
 18 preliminarily approved.

19 4. The names and addresses of all class members shall be provided by Defendant to Class
 20 Counsel.

21 5. A Class Notice in a substantially similar form as Exhibit A attached to the Settlement
 22 Agreement shall be mailed to each class member as described in the settlement agreement within 45
 23 days of the date of entry of this order.

24 6. Any person falling within the definition of the Settlement Class may, upon request, be
 25 excluded from the settlement. A person who decides to opt out must send a letter so stating to the
 26 Class administrator, First Class, at the address set forth in the Class Notice, and include in the letter the
 27 person's printed name, signature, address, and reference "Herrera v. LCS." The letter must be
 28 postmarked no later than thirty-five (35) calendar days from the Class Notice Date, and must be signed

1 by the person(s) to whom the Notice was addressed. All persons who timely submit properly
 2 completed Requests for Exclusion shall have no rights under the Settlement Agreement and shall not
 3 share in the benefits of the Settlement Agreement and shall not be bound by the Settlement Agreement.

4 7. Any Settlement Class Member who wishes to object to all or any part of the proposed
 5 settlement must file written objections with the Court Clerk of this Court, U.S. District Court for the
 6 Northern District of California and mail said objections to Class Counsel and Defense Counsel no later
 7 than ten (10) days prior to the Final Fairness Hearing. In addition, Settlement Class Members who
 8 wish to appear at the Final Fairness Hearing must file a statement of their intention to do so with the
 9 Court Clerk and serve both Class Counsel and Defense Counsel with such notice of intention to
 10 appear, no later than ten (10) days prior to the Final Fairness Hearing. Only Settlement Class
 11 Members who have timely filed and delivered properly completed written notices of objection and
 12 intent to appear will be entitled to be heard at the Final Fairness Hearing unless the Court orders
 13 otherwise.

14 8. The Final Fairness Hearing will be conducted in Department 2 of the U.S. District
 15 Court for the Northern District of California, located at 450 Golden Gate Ave, San Francisco, CA on
 16 September 26, 2011, at 10:00 ~~a.m.~~ p.m.

17 IT IS SO ORDERED.

18 Date: 06/20/2011
 19

20 Honorable
 21 United States

